

**AN ORDINANCE BY COUNCILMEMBERS ALEX WAN AND MARY NORWOOD TO WAIVE THE OPERATION OF SEC 15-08.005 (D) (6) OF THE SUBDIVISION ORDINANCE FOR PENDING SUBDIVISION APPLICATION SD-14-005 WITH A STREET ADDRESS OF 280 THE PRADO AND REQUIRING THAT SD-14-005 BE SUBDIVIDED IN ACCORD WITH THE ATTACHED SITE PLAN IN THAT SUCH SITE PLAN BETTER SERVES THE INTERESTS INTENDED TO BE PROTECTED IN THE ANSLEY PARK NEIGHBORHOOD THAN A STRICT APPLICATION OF SEC. 15-08.005 (D) (6); AND FOR OTHER PURPOSES.**

**Workflow List:**

Atlanta City Council	Completed	07/24/2014 12:27 PM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

**HISTORY:**

07/21/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 7/30/2014 9:30 AM</b>
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Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action</p> <p style="text-align: center;"><i>See Authentication Page Attachment</i></p>	

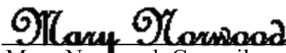
CITY COUNCIL  
ATLANTA, GEORGIA

14-O-1377

## SPONSOR SIGNATURES

A large, bold, handwritten signature in black ink, appearing to read "Alex Wan", followed by a horizontal line.

Alex Wan, Councilmember, District 6

A handwritten signature in black ink, appearing to read "Mary Norwood", followed by a horizontal line.

Mary Norwood, Councilmember, Post 2 At-Large

**AN ORDINANCE BY COUNCILMEMBERS ALEX WAN AND MARY NORWOOD TO WAIVE THE OPERATION OF SEC 15-08.005 (D) (6) OF THE SUBDIVISION ORDINANCE FOR PENDING SUBDIVISION APPLICATION SD-14-005 WITH A STREET ADDRESS OF 280 THE PRADO AND REQUIRING THAT SD-14-005 BE SUBDIVIDED IN ACCORD WITH THE ATTACHED SITE PLAN IN THAT SUCH SITE PLAN BETTER SERVES THE INTERESTS INTENDED TO BE PROTECTED IN THE ANSLEY PARK NEIGHBORHOOD THAN A STRICT APPLICATION OF SEC. 15-08.005 (D) (6); AND FOR OTHER PURPOSES.**

WHEREAS, the Subdivision Ordinance of the City of Atlanta regulates the subdivision and aggregation or consolidation of lots in the City of Atlanta; and

WHEREAS, the authority for, and the purposes and intent of, the Subdivision Ordinance and its associated regulations are set forth in Chapter 15 of the Land Development Code, Part III of Code of Ordinances; and

WHEREAS, existing or historic lot layout, patterns, and design can be directly related to identified elements of a neighborhood's historic character and therefore an application for subdivision and aggregation or consolidation of lots would tend to have an impact on such neighborhood if the application requested action inconsistent with that neighborhood's historic character; and

WHEREAS, certain neighborhoods which are historic in character are protected by designation under the Historic Preservation Ordinance of the City of Atlanta and have subdivision regulations which are a part of their overall historic preservation regulations but other neighborhoods which are historic in character may only be protected by being listed on the National Register of Historic Places as a National Register District; and

WHEREAS, the strict application operation of Sec. 15-08.005(d)(6) considering only the prevailing lot pattern in the layout of building lots in the subdivision application process may not serve the overall interests intended to be protected in National Register Neighborhoods; and

WHEREAS, with respect to Subdivision Application SD-14-005, which has a street address of 280 The Prado ("SD-14-005"), a strict application of the prevailing lot pattern concept would have an impact on the appearance of the curvilinear street frontage which is a key element of Ansley Park's historic character such that a site plan responding to this element better serves the interests intended to be protected in this National Register Neighborhood; and

WHEREAS, the large number of mature trees is a key element of Ansley Park's historic character and with respect to SD-14-005, the preservation of mature trees on the site to be subdivided also better serves the interests intended to be protected in National Register Neighborhood; and

WHEREAS, although community benefits agreements are not enforceable by the City or reviewed by the City for their enforceability by the signatories thereto, the presence of such agreements and support from neighborhood associations and the neighborhood planning unit indicate that the applicant, who has an economic interest in the subdivision application, and those most affected by a decision to waive the strict operation of Sec. 15-08.005(d)(6) with respect to the specifics of the subdivision application have been engaged in negotiations and reached agreement; and

WHEREAS both the Ansley Park Civic Association and NPU-E have indicated their general consent to the lots which are the subject of SD-14-005 being configured as set forth in Exhibit "A" attached hereto; and

WHEREAS, the waiver of strict operation of Sec. 15-08.005(d)(6) with respect to SD-14-005 and allowing such interests to be protected by the agreed upon site plan will serve the interests intended to be protected in the Ansley Park Neighborhood can be determined by a vote of the Atlanta City Council to be in the best interest of the citizens of the City of Atlanta for the reasons set forth hereinabove;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

Section 1: The operation of Sec. 15-08.005(d)(6) of the Subdivision Ordinance, pertaining to layout of one and two-family building lots which reads as follows

(6) "In all historic neighborhoods, in which lot layout, patterns, and design are a part of and are directly related to identified elements of that neighborhood's character, all new lots shall conform to existing lot layout, patterns, and design, including, without limitation, orientation of lots to public streets.

is waived as to SD-14-005 provided however that this waiver is conditioned on the subdivision occurring as set forth in the site plan attached as Exhibit "A."

Section 2: All requirements of the Subdivision Ordinance except as set forth herein shall remain in effect.

Section 3: This ordinance shall become effective when signed by the Mayor or as

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COUNCILMEMBERS ALEX WAN AND MARY NORWOOD

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**WHEREAS**, the Subdivision Ordinance of the City of Atlanta regulates the subdivision and aggregation or consolidation of lots in the City of Atlanta; and

**WHEREAS**, the authority for, and the purposes and intent of, the Subdivision Ordinance and its associated regulations are set forth in Chapter 15 of the Land Development Code, Part III of Code of Ordinances; and

**WHEREAS**, existing or historic lot layout, patterns, and design can be directly related to identified elements of a neighborhood's historic character and therefore an application for subdivision and aggregation or consolidation of lots would tend to have an impact on such neighborhood if the application requested action inconsistent with that neighborhood's historic character; and

**WHEREAS**, certain neighborhoods which are historic in character are protected by designation under the Historic Preservation Ordinance of the City of Atlanta and have subdivision regulations which are a part of their overall historic preservation regulations but other neighborhoods which are historic in character may only be protected by being listed on the National Register of Historic Places as a National Register District; and

**WHEREAS**, the strict application operation of Sec. 15-08.005(d)(6) considering only the prevailing lot pattern in the layout of building lots in the subdivision application process may not serve the overall interests intended to be protected in National Register Neighborhoods; and

**WHEREAS**, with respect to Subdivision Application SD-14-005, which has a street address of 280 The Prado ("SD-14-005"), a strict application of the prevailing lot pattern concept would have an impact on the appearance of the curvilinear street frontage which is a key element of Ansley Park's historic character such that a site plan responding to this element better serves the interests intended to be protected in this National Register Neighborhood; and

**WHEREAS**, the large number of mature trees is a key element of Ansley Park's historic character and with respect to SD-14-005, the preservation of mature trees on the site to

be subdivided also better serves the interests intended to be protected in National Register Neighborhood; and

**WHEREAS**, although community benefits agreements are not enforceable by the City or reviewed by the City for their enforceability by the signatories thereto, the presence of such agreements and support from neighborhood associations and the neighborhood planning unit indicate that the applicant, who has an economic interest in the subdivision application, and those most affected by a decision to waive the strict operation of Sec. 15-08.005(d)(6) with respect to the specifics of the subdivision application have been engaged in negotiations and reached agreement; and

**WHEREAS** both the Ansley Park Civic Association and NPU-E have indicated their general consent to the lots which are the subject of SD-14-005 being configured as set forth in Exhibit "A" attached hereto; and

**WHEREAS**, the waiver of strict operation of Sec. 15-08.005(d)(6) with respect to SD-14-005 and allowing such interests to be protected by the agreed upon site plan will serve the interests intended to be protected in the Ansley Park Neighborhood can be determined by a vote of the Atlanta City Council to be in the best interest of the citizens of the City of Atlanta for the reasons set forth hereinabove;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

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**Section 2:** All requirements of the Subdivision Ordinance except as set forth herein shall remain in effect.

**Section 3:** This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.



(Do Not Write Above This Line)

AN ORDINANCE BY  
COUNCILMEMBERS ALEX WAN  
AND MARY NORWOOD *Mary Norwood*

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APPLICATION OF SEC. 15-08.005(d)(6);  
AND FOR OTHER PURPOSES.

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date \_\_\_\_\_

Chair \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Action

Members

Committee

Date \_\_\_\_\_

Chair \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Action

Members

Refer To

Refer To

Committee

Date \_\_\_\_\_

Chair \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Action

Members

Committee

Date \_\_\_\_\_

Chair \_\_\_\_\_

Fav, Adv, Hold (see rev. side)

Action

Members

MAYOR'S ACTION

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☐ RC Vote

CERTIFIED

☐ CONSENT REFER

☐ REGULAR REPORT REFER

☐ ADVERTISE & REFER

☐ 1st ADOPT 2nd READ & REFER

☒ PERSONAL PAPER REFER

Date Referred 7/2/14

Referred To: CD/HK

Date Referred

Referred To:

Date Referred

Referred To:



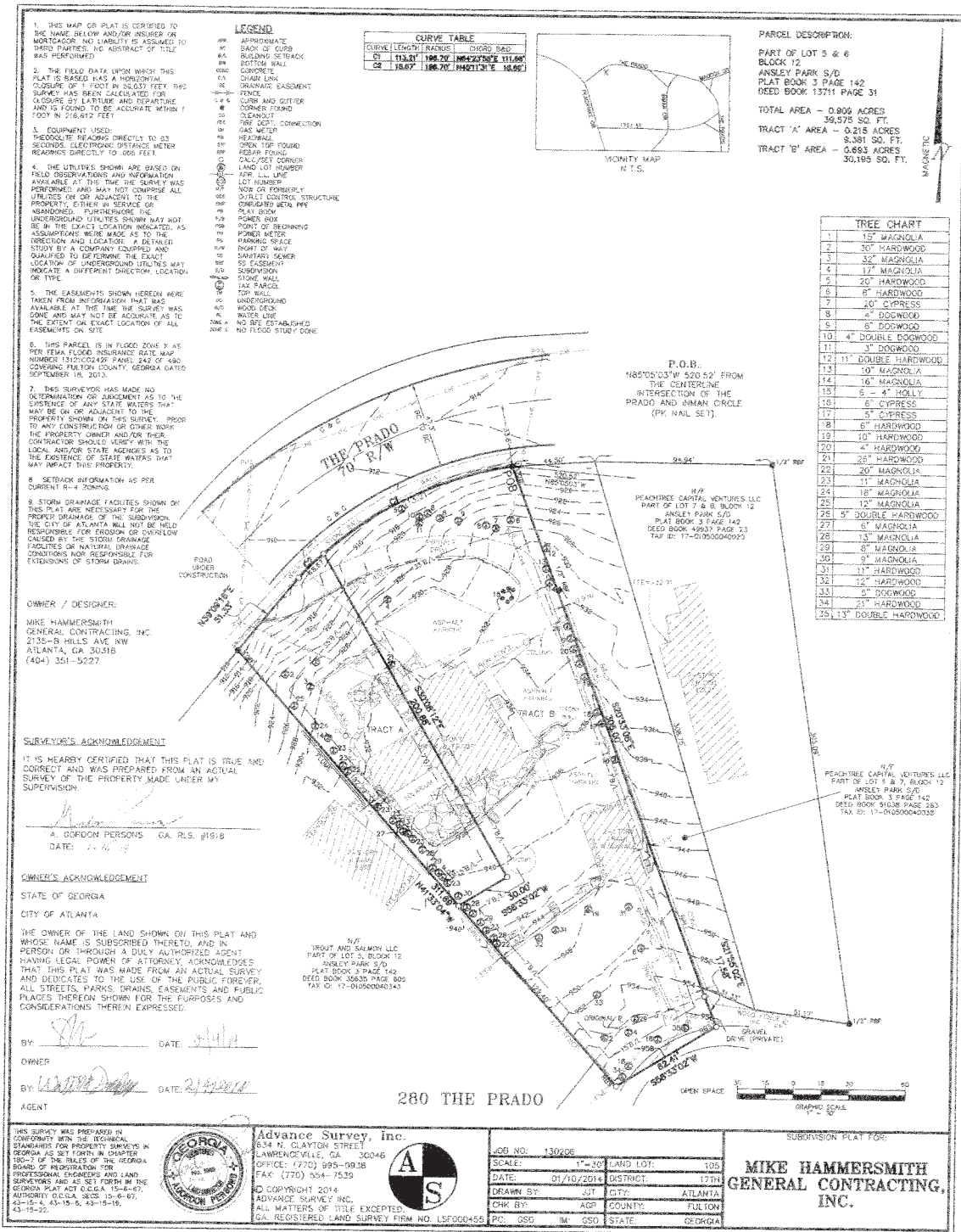


EXHIBIT "A"